

REMARKS:

I. Introduction

In the Office Action mailed on January 14, 2005, the Examiner rejected claims 1 to 4, 6 to 15, 23 and 24 and objected to claims 5 and 16. The present amendment cancels claims 6, 17, 23, and 24, amends claims 1, 2, 12, 13, and 16, and adds new claims 25 to 28. Accordingly, claims 1 to 5, 7 to 16, and 25 to 28 are now pending in this application.

II. Claim Rejections Based on 35 U.S.C. § 103

The Examiner rejected claims 1, 2, 4, 7 to 9, 12, 13, 15, 23, and 24 under 35. U.S.C. 103(a) as unpatentable over Stuart (US 5,284,365) in view of Sniderman (US 6,265,035).

Independent claim 1 has been amended to include the subject matter of previous dependent claim 6 and Independent claim 12 has been amended to include the subject matter of previous dependent claim 17. Independent claims 1 and 12 and claims dependent therefrom are now allowable because they each include the limitation of "wherein the swivel is a barrel-type swivel connector." No prior art of record reasonably discloses or suggests the present invention as now defined by independent claim 1. Reconsideration and withdrawal of the rejection is requested.

The Examiner rejected claims 1, 2, 4, 7 to 9, 12, 13, 15, 23, and 24 under 35. U.S.C. 103(a) as unpatentable over Stuart (US 5,284,365) in view of Miller et al. (US D375,889).

The Examiner stated that "Stuart does not teach the ornament having a swivel hanging

means” and “Miller teaches a Christmas tree ornament swivel barrel type hook (see figures 1-7)”. The Examiner concluded that “it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the ornament taught by Stuart with a swivel hook as taught by Miller to provide a means so that the ornament can pivot freely.

Neither Stuart nor Miller provide the required motivation for such a combination. Stuart nor Miller indicates that it is desirable for an ornament or anything else to pivot freely. In fact, Miller does not even disclose that the disclosed Christmas ornament swivel even freely pivots. The combination of Stuart and Miller is an impermissible use of hindsight. It was the inventive insight of the present inventor that it is desirable to display personal photographs in manner in which they can freely rotate. The present inventor’s own teaching of such cannot be used to provide motivation for the combination.

Assuming arguendo that the cited combination of Stuart and Miller is permissible, the combination does not disclose or reasonably suggest the present invention as now defined by independent claims 1 and 12. Stuart discloses a greeting card 14 having a removable message insert 16. The manufacturer of the greeting card 14 provides the removable message insert 16 with predetermined card message indicia 32 and predetermined artistic indicia 30. The removable message insert 16 is secured to the greeting card 14 by clamping anchor tabs 36 of the greeting card. See column 6, lines 1 to 24. To remove the message insert 16 from the greeting card 14, the anchor tabs 36 are cut or torn at perforations 41. The removed message insert 16 can then be attached as desired through use of a picture hanger 60, a vertical support member 62, a string hoop 63, adhesive, magnets etc. Miller discloses a Christmas ornament swivel. Miller is silent as to how the Christmas ornament swivel operates. It is not disclosed

whether the Christmas ornament swivel simply provides means to change the orientation between the hooks or provides some other kind of movement or motion. In contrast the claimed invention is a device for displaying a personal photograph of a user. The present invention is an alternative to a traditional picture frame. The present invention is not constructed with any predetermined message or artistic indicia as is the greeting card taught by Stuart. The user purchases the device and attaches their own personal photograph to the plaque so that photograph can freely rotate when suspended from the support by the barrel-type swivel connector. Independent claims 1 and 12 and claims dependent therefrom are allowable because they each include the limitations of "wherein the user removes the release layer from the plaque and adheres the personal photograph to the adhesive layer to display the personal photograph on the plaque", "wherein the swivel is a barrel-type swivel connector", and "wherein the swivel permits unlimited rotational movement of the plaque about the rotational axis in either direction upon application of external forces thereto." No prior art of record reasonably discloses or suggests the present invention as now defined by independent claim 1. Reconsideration and withdrawal of the rejection is requested

The Examiner rejected claims 1, 12 and 11 under 35. U.S.C. 103(a) as unpatentable over Stuart (US 5,284,365) in view of Ellison (US 6,230,425). Applicant assumes the Examiner intended to reject 1, 10 and 11 rather than 1, 12, and 11 in view of the Examiner's associated comments and the fact that claim 10 was not otherwise rejected even though it was indicated as rejected on the Office Action Summary.

Independent claim 1 has been amended to include the subject matter of previous dependent claims 6 and 23 and Independent claim 12 has been amended to include the subject

matter of previous dependent claims 17 and 24. Independent claims 1 and 12 and claims dependent therefrom are now allowable because they each include the limitation of "wherein the swivel is a barrel-type swivel connector" and "wherein the plaque further includes a release layer covering the adhesive layer and removable from the adhesive layer such that the adhesive layer remains on the plate member upon removal of the release layer and is exposed for attachment of the personal photograph thereto" No prior art of record reasonably discloses or suggests the present invention as now defined by independent claim 1. Reconsideration and withdrawal of the rejection is requested.

III Allowable Subject Matter

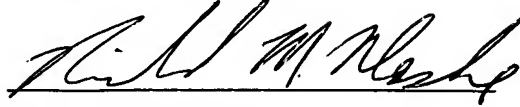
The Examiner objected to claims 5 and 16 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 depends from allowable independent claim 1 as discussed above. Claim 16 has been rewritten into independent form to include all of the limitations of the base claim (there were no intervening claims). An indication of allowance is requested.

IV. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our
Deposit Account No. 16-2326.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard M. Mescher", written over a horizontal line.

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